

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA, *EX REL.*
JAMES M. ATKINSON

11-CV-11458-NMG

FILED UNDER SEAL

Plaintiffs,

NOTICE OF APPEAL

v.

RESEARCH ELECTRONICS
INTERNATIONAL, LLC, et al.,

Defendants.

Notice is hereby given that Plaintiff James M. Atkinson hereby appeals to the United States Court of Appeals for the First Circuit from the Ex Parte Communications, Biased Actions, Improper Orders, and Improper Dismissal issued by the District Court dismissing Plaintiffs' as a QiTam Realtor case and otherwise obstructing or depriving Plaintiff of his rights, entered in these actions on the 26th day of April, 2012, and the:

1. Order, Document 7: granting re: Document 6: "United States of

America's Notice of Election to Decline Intervention" dated

4/25/2012.

2. On April 26, 2012, the District Court issued an order Document 7:
granting re: Document 6: that the above captioned case be dismissed
at the request of the government.

1. It is obvious that the court did not actually prepare the order, and that
this order was prepared by the government.

2. The order references 31 USC 3730(b)(4)(B) which clearly does not
permit a case to be dismissed merely because the government decided
not to intervene at the time.

3. The case in question also included claims made outside of the FCA to
include:

a. 31 U.S.C. §§ 3729–3733

b. 18 U.S.C. §§ 1961-1968

c. 15 U.S.C. §§ 1-38

d. 22 U.S.C. §§ 2778-2780

e. 22 CFR §§ 120-130

f. 50 U.S.C. § 2410

g. 22 U.S.C. § 401

h. 47 U.S.C. §§ 2.1-1305

i. 18 U.S.C. § 2512

j. 19 U.S.C. §§ 1709-3808

k. 18 U.S.C. § 554

l. 18 U.S.C. § 371

m. 18 U.S.C. § 1001

n. 18 U.S.C. § 1031

o. 18 U.S.C. § 1341

p. 18 U.S.C. § 1343

q. 18 U.S.C. § 1956

r. 18 U.S.C. § 1510 – 1513

s. 18 U.S.C. § 962

4. Indeed 31 USC 3730(b)(4)(B) clearly states that the person who is bringing the case has a right to conduct the action should the government decline to do so.

“(4) Before the expiration of the 60-day period or any extensions obtained under paragraph (3), the Government shall—

(A) proceed with the action, in which case the action shall be conducted by the Government; or
(B) notify the court that it declines to take over the action, **in which case the person bringing the action shall have the right to conduct the action.**

5. The statute is clear that the **person** bringing the action **has the right** to conduct the action, and the 31 USC 3730(b)(4)(B) is moot as to any restriction of if a *Pro Se* Plaintiff may or may not bring suit.

6. As a private person may bring suit in a civil rights case, and may act as a private attorney general under Section 1983 and 1985, so may a private citizen suit in matters of National Defense, Arms , Smuggling, and Sophisticated Fraud Against the government as on behalf of the government.

7. In truth, the United States of America is indeed prosecuting this case, and their notice of election to decline intervention filed with the court is a fiction upon the court and the case has been moved to other jurisdictions, and is active.

77 8. The actions by the government are merely to deprive Realtor of his
78 legitimate claim which predates all other claims, and all other actions
79 by the government, and thus to deprive him of his lawful share of the
80 recovery.

81
82 9. As it is improper, and a violation of law for this court to order a
83 dismissal of this action based on 31 USC 3730(b)(4)(B), a serious
84 reversible error has been committed by this court.

85
86 10. Indeed the QiTam complaint in this case is not merely about False
87 Claims, but also about complex, illegal arm smuggling, RICO
88 violations, national security controls, violations of international
89 treaties and other very grave matters.

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91 11. Additionally, there has been not less than two known, and possibly
92 three prohibited *ex parte* communications between this court and the
93 government in this case, an act which suggests bias on the part of the
94 court, and misconduct on the part of the Government.

12. Further this court automatically ordered extensions, without providing the realtor to question, oppose, or object to same, demonstrating a continued bias against the Realtor Atkinson.

13. Additionally, extensive documentation has been provided to the government in this matter, but not yet filed with this court

14. These documents provide a *prima facie* case that the government has been defrauded and that national security control and international treaties have been subverted.

15. These documents also suggest that the U.S. Government has been malfeasant in the enforcing of international arm controls treaties as well as ITAR regulations.

16. However, this matter is “Diplomatically Awkward” for the United States as the Plaintiff has caught the U.S. State Government *defacto* violating a major international Arm Control treaty.

115 17. In fact government investigators described the realtors documents as a
116 “treasure trove” ^{work} this suggests tens of millions and potentially billions
117 of dollars of fraud against the U.S. Government.

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119 18. It is an error by the court to dismiss this case, and such a dismissal is a
120 violation of a rights granted under 31 USC 3730(b)(4)(B).

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122 19. Thus the order dated April 26, 2012 must be reversed.

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124 20. Bias and favoritism has been demonstrated by the District Court towards
125 the Government, by which three orders were issued by the court the day
126 after they were filed with the court, and well before the original documents
127 were in the hands of the Plaintiff, so that the Plaintiff was not permitting
128 the required 14 days to oppose or object to the motions.

129
130 21. Indeed such a speedily approval of motions by the issuing of orders for
131 which there is no possible way for the Plaintiff to actually had gotten the
132 documents rendered the motions itself an *ex parte* motion, and the order an
133 *ex parte* order issued in secret, with the Plaintiff not being allowed to be
134 heard, or the be a party to the motions until after they were decided, with

the court not permitting the required due process that is a right of the Realtor.

22. Given the demonstrated bias in this case and in ^{related} cases involving Mr. Atkinson, Judge Gorton should have self-recused early in the case. This was an error on the part of the court.

23. As 31 USC 3730(b)(4)(B) states that the ^{Related} ~~Re~~ has a right to conduct the action, and the court has unlawfully subvert this right, it has subverted the Realtors Due Process, and thus the 14th Amendment Rights of the Realtor.

24. This court has violated the civil rights of Due Process of the Realtor, and this is an error by the court, and a Deprivation of a Civil Rights under Color of Authority.

25. This matter should be self-recused from Judge Gorton and assigned to a different District Judge and the case handle *de novo* and Plaintiff be allowed to file an amended complaint.

155 26. This court has erred, and the remedy to correct this many errors still
156 lies within the District Court level, given the prohibited conduct.

157
158 27. It is in the best interest of justice, and diplomacy, and in the best
159 interests of security of the United States of America that this matter
160 be allowed to be continued as provided for by law.

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162 28. Plaintiff Appeals that it appears that the District Court has mismanaged,
163 and mishandled this case from short after the time it was filed, onto the
164 current date, and that not justice, but merely the illusions of justice has been
165 done to quietly dispose of the case with as little effort as possible,
166 improperly, while the Government took that information provided by the
167 Realtor and are pursuing the matter in another jurisdiction.

168
169 29. Plaintiff Appeals that it appears that the District Court has gravely erred,
170 and the remedy to correct this many errors still lies within the District
171 Court level, given the prohibited conduct.

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173 Respectfully submitted,

174 Dated: May 24, 2012

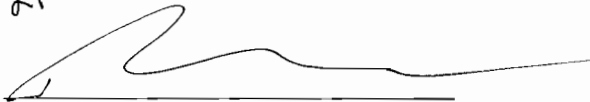
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CERTIFICATE OF SERVICE

I hereby certify that this document filed though the ECF System will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) (by way of the clerks terminal on the CM/ECF system as a scanned document) and paper copies by U.S. Mail will be sent to those indicated as non-registered participants this ~~25~~^{25th} day of May, 2012.



UNITED STATES OF AMERICA, *EX REL.*
JAMES M. ATKINSON, *pro se*